

REMARKS

The pending Office Action presents the examination of claims 1-17. Claims 1-7 and 9-17 stand rejected under 35 U.S.C. § 102(b) as lacking novelty over Asai '100; claims 1-6, 9-10 and 12-17 are rejected under 35 U.S.C. § 102(b) for lack of novelty over Nagano '406; and claims 7-8 are further rejected under 35 U.S.C. § 103(a) as obvious over Asai '100.

Rejection under 35 U.S.C. § 102 over Asai '100

The rejection of claims 1-7 and 9-17 as lacking novelty over Asai '100 is respectfully traversed. Reconsideration and withdrawal thereof are requested.

The Examiner mischaracterizes the Asai '100 reference. In particular, the teaching of particle size relied upon by the Examiner as disclosing a particle size of a glass fiber is in fact description of a particle size of a graphite particle. Also, Asai '100 does not disclose the flexural modulus of 25 GPa or more that is recited in independent claims 1 and 17.

Furthermore, Tables 1 and 2 of Asai '100 show that the filler (as scaly graphite) is present at between 30 and 85 parts per 100 parts polymer. This proportion is well outside the ranges of the amount of glass fiber stated in claims 1 and 17 (5-15 parts by weight cf. 100 parts by weight of polymer).

Applicants do not understand where the Examiner obtains an amount of "5-25%" for the glass fiber from Asai '100.

Thus, at least three elements of the present invention are not disclosed by the reference. Any of these three elements provides an alternative basis for distinguishing the present invention from Asai '100. Accordingly, the instant rejection should be withdrawn.

Rejection under 35 U.S.C. § 102 over Nagano '406

The rejection of claims 1-6, 9-10 and 12-17 as lacking novelty over Nagano '406 is respectfully traversed. Reconsideration and withdrawal thereof are requested.

Applicants submit that Nagano '406 fails to disclose the flexural modulus that is recited in the claims. Contrary to the assertion of the Examiner, the flexural modulus disclosed in Nagano '406 is much less than that recited in the present claims. For instance, in Example 2, Nagano '406 discloses a flexural modulus of 116,000 kg/cm², equal to 11.4 Gpa. On the other hand, the present claims recite a flexural modulus of at least 25 GPa.

The invention may alternatively be distinguished from Nagano '406 by the amount of glass fiber in the composition. Table 1 of Nagano '406 shows that the glass fiber part of the filler (GF) can be either entirely absent, or is present between

34 parts per 100 parts total polymer (Ex. 4) to 67 parts per 100 parts total polymer (Comp. Ex. 5). Again, this should be compared to the 5-15 parts of glass fiber per 100 parts of polymer recited in the present claims.

For either of the above reasons, the claimed invention is distinct from the disclosure of Nagano '406 and the instant rejection should be withdrawn.

Rejection under 35 U.S.C. § 103 over Asai '100

The rejection of claims 7 and 8 under 35 U.S.C. § 103(a) as unpatentable over Asai '100 is respectfully traversed. Reconsideration and withdrawal thereof are requested.

Applicants submit that there is no disclosure by Asai '100 of a glass fiber having the particle diameter and length as recited in claim 1 from which claims 7 and 8 depend. Nor is any motivation provided by Asai '100 or by the state of the art to utilize a glass fiber of such size. Furthermore, there is no disclosure in Asai '100 of the flexural modulus recited in the claims, nor any motivation provided to make some polymer composition having such a flexural modulus. Still further, there is no motivation to change the amount of filler as recited in Asai '100 to the amount of glass fiber used in the instant invention of from 5 to 15 parts by weight per 100 parts by weight of polymer.

Therefore at least three independent elements of the invention are neither disclosed nor suggested by the Asai '100 reference and thus, the Examiner fails to establish *prima facie* obviousness of the claimed invention over Asai '100. Accordingly, the instant rejection should be withdrawn.

The present application well-describes and claims patentable subject matter. The favorable action of allowance of the pending claims and passage of the application to issue is respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mark J. Nuell (Reg. No. 36,623) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.


Respectfully submitted,

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